

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2019-02

Application of Chinook Solar, LLC for a Certificate of Site and Facility

May 5, 2020

**ORDER ON COUNSEL FOR THE PUBLIC'S ASSENTED-TO MOTION
TO EXTEND DEADLINE FOR PREFILED TESTIMONY**

This order grants, with conditions, an assented-to motion to extend the deadline for filing prefiled testimony submitted by Counsel for the Public.

I. Background

On October 18, 2019, Chinook Solar, LLC (Chinook) filed an Application for a Certificate of Site and Facility (Application) seeking to site, construct and operate a 30-megawatt solar energy generation facility and associated electrical infrastructure in Fitzwilliam, Cheshire County, New Hampshire.

On October 24, 2019, the Attorney General appointed an Assistant Attorney General to serve as Counsel for the Public. On November 8, 2019, a Subcommittee was appointed. On December 17, 2019, the Subcommittee issued an order accepting the Application.

On April 2, 2010, the Presiding Officer issued a Procedural Order requiring Counsel for the Public and the Town of Fitzwilliam to submit prefiled testimony no later than June 2, 2020. The procedural schedule also provided that the adjudicative hearing is scheduled to begin on or about September 9, 2020, subject to the availability of the Subcommittee.

On April 17, 2020, Counsel for the Public filed an Assented-To Motion to Continue Deadline for Prefiled Testimony (Motion).

II. Positions of the Parties

Counsel for the Public requests a one-month extension of time, from June 2 to July 2, 2020, to submit prefiled testimony, and requests that a brief status conference occur on or after May 18, 2020. In support of this request, she asserts that she retained Arrowwood Environmental to provide expert analysis and opinion on the impacts of the proposed project on: wetlands, water bodies and vernal pools; wildlife and wildlife habitat; rare, threatened, and endangered plants; and natural communities. Counsel for the Public argues that a site inspection of the project area is a crucial part of the evaluation and that her experts need more than two weeks from the date of an inspection to process the information collected and file testimony.

Arrowwood is a Vermont entity. On March 13, 2020, Vermont's Governor Scott issued Executive Order 01-20, declaring a State of Emergency in Vermont due to the COVID-19 pandemic. On March 24, 2020, Governor Scott issued an Addendum to this Executive Order directing all Vermonters to stay at home, leaving only for essential reasons and further directing all business to cease operations unless providing services "deemed critical to public health and safety." Motion at p. 2, citing Vermont Executive Order 01-20, Addendum 6. Counsel for the Public states that a site inspection cannot occur before May 15, the current date to which the Vermont State of Emergency has been extended. Vermont Executive Order 01-20, Addendum 9.

The Town of Fitzwilliam concurs in the Motion. Chinook assents to the relief requested so long as the extension does not delay the adjudicative hearing currently scheduled to begin in September.

III. Analysis

The Executive Order and addendum thereto issued by Governor Scott require Vermont residents to stay at home except for essential purposes until May 15. *See* Vermont Executive

Order 01-20, Addendum 6, 7 and 9. The state of emergency is a sufficient reason to extend the deadline for submitting prefiled testimony by Counsel for the Public and the Town of Fitzwilliam.

The Administrator shall schedule a status conference with the parties on or after May 18, 2020, and make a recommendation to the Presiding Officer for a revised discovery schedule as provided in Paragraph II., 4 through 7, of the Procedural Order. The balance of the procedural schedule not affected by this order shall remain in effect. The Motion to extend is granted, subject to these conditions.

SO ORDERED this fifth day of May, 2020.



Dianne Martin, Presiding Officer
Site Evaluation Committee